



**State of Utah**

**Department of  
Natural Resources**

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*Executive Director*

**Division of  
Oil, Gas & Mining**

JOHN R. BAZA  
*Division Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

March 26, 2007

CERTIFIED MAIL  
7004 2510 0004 1824 8231

Mr. Ben McInnes  
3231 North Millcreek Road  
Pleasant Grove, Utah 84062

Subject: Findings of Fact, Conclusions, and Order for Violation MN2006-03-09-01  
T & M Mine, Salt Lake County, Utah, S00350023

Dear Mr. McInnes:

On January 30, 2007, an Informal Conference was held to review the fact of violation and assessment for MN2006-03-09-01. As a result of a review of all pertinent data and facts, including those presented by both the Division and yourself in the Informal Conference, the attached document constitutes the Findings of Fact, Conclusions, and Order. This Notice of Violation has been vacated. Therefore, no fine is due.

Thank you for working with the Division in the process of the informal review of the violation, and in keeping your permit current.

Sincerely,

Mary Ann Wright  
Associate Director, Mining  
Assessment Conference Officer

MAW/vs  
Enclosure

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BEFORE THE DIVISION OF OIL, GAS AND MINING  
COAL REGULATORY PROGRAM  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

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IN THE MATTER OF THE  
DECORATIVE ENTERPRISES T &  
M MINE, SALT LAKE COUNTY,  
UTAH

: INFORMAL CONFERENCE  
: FOR VIOLATION MN2006-03-09-01  
:  
: FINDINGS, CONCLUSIONS  
AND ORDER  
CAUSE NO. M0350023

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On January 30, 2007, the Division of Oil, Gas and Mining ("OGM" or "Division") held an Informal Conference concerning the Fact of Violation MN2006-03-09-01, issued to Decorative Enterprises Inc., Salt Lake County, Utah. The following individuals attended Ben McInnes (the "Operator", "Permittee" and "Petitioner"); and Daron Haddock for OGM.

Presiding: Mary Ann Wright  
Associate Director, Mining  
Division of Oil, Gas and Mining

Petitioner: Ben Mc Innes, Decorative Enterprises

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner in connection with this informal conference, and on information presented by the Division both of which are in OGM files.

**FACTS PRESENTED: Fact of the Violation**

1. By email dated January 19, 2007, Ben McInnes, Decorative Enterprises Inc.(DEI), requested an informal conference to discuss the fact of violation and the proposed assessment for Violation MN2006-03-09-01.
2. Pursuant to Utah Administrative Rules R647-6-102.4, notice of the informal conference was properly given and an informal conference in the matter was held on January 30, 2007.



3. The Violation was issued on September 20, 2006 for Failure to comply with applicable statutes, rules, regulations or ordinances of a local agency, Bluffdale City, with Jurisdiction over the mining operations.
4. The Violation was to be abated by meeting with appropriate Bluffdale City officials and developing a written plan for resolving conflicts between the zoning and current land use (mining operations).
5. Mr. Daron Haddock, OGM Compliance Supervisor, explained that this operation had acquired a small mine permit when asked to do so by the division. The Violation was issued after the Division was formally notified in a letter dated July 28, 2006 that Decorative Enterprises Inc. was not operating in compliance with Bluffdale City's local regulations.
6. The Petitioner, Mr. Ben McInnes of DEI, stated that they are picking up rock on a 40 acre 'Green Belt' area zoned as an agricultural land use. DEI went through the Mayor of Bluffdale, who denied a change of zoning. DEI has sold the property to DAI who has sued Bluffdale and Herriman cities with 30 other landowners. DEI leases the site back for the mining. Bluffdale Sand and Gravel previously left a nasty mess at the site. DEI has met with Bluffdale City and gone to many meetings with them. The planned Post Mining Land Use is housing. DEI believes the violation should be vacated.
7. It was determined by the Division, that this was an administrative violation with no harm either to the public's safety or to the environment caused by the zoning issue.

### CONCLUSIONS

- No environmental or public safety harm occurred as a result of the operation being out of sync with current zoning.
- OGM was correct in having the permittee establish a dialogue with the city about this operation. The desired outcome of discussions between the City and Operator are being achieved.
- Bluffdale City should determine compliance with their own ordinances. Because the Operator was conducting activities similar to what had been done prior to having a mine permit, the Violation should be vacated.

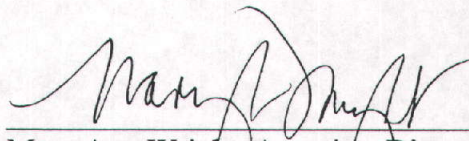


## ORDER

NOW THEREFORE, it is ordered that:

- The Notice of violation, MN2006-03-09-01, is hereby vacated.
- DEI should maintain its mine permit with the state of Utah.
- DEI should keep up its dialogue with the City of Bluffdale, to the extent possible.

SO DETERMINED AND ORDERED this 23rd day of March 2007



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Mary Ann Wright, Associate Director, Mining  
Informal Conference Officer  
Division of Oil, Gas and Mining  
State of Utah